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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

v.

RODOLFO MONTOYA-FLORES,

Defendant.

MEMORANDUM DECISION AND  
ORDER DENYING DEFENDANT'S  
MOTION FOR REDUCTION OF  
SENTENCE

Case No. 2:07-CR-572 TS

District Judge Ted Stewart

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This matter is before the Court on Defendant's Motion for Reduction of Sentence. For the reasons discussed below, the Court will deny the Motion.

"A district court is authorized to modify a Defendant's sentence only in specified instances where Congress has expressly granted the court jurisdiction to do so."<sup>1</sup> 18 U.S.C. § 3582(c)(1)(A) allows the Court to modify a term of imprisonment under certain circumstances.

Relevant here,

the court . . . upon motion of the defendant . . . may reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that . . . extraordinary and compelling reasons warrant such a reduction.

The Court finds that Defendant has failed to demonstrate extraordinary and compelling reasons for his release. Defendant points to generalized concerns about the COVID-19 pandemic. However, he presents no evidence that he suffers from a condition that makes him

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<sup>1</sup> *United States v. Blackwell*, 81 F.3d 945, 947 (10th Cir. 1996).

more susceptible to contracting COVID-19 or becoming seriously ill should he contract the virus. Instead, he points to other family members who suffer from such conditions. Defendant's medical records, however, demonstrate that he is largely healthy and has received adequate medical care while in custody. Defendant also states that his wife, who is the sole caregiver to their child, suffers from multiple sclerosis. However, there is no information in the record to suggest that Defendant's wife is unable to care for their child. While the Court is sympathetic to Defendant's concerns, he has not demonstrated extraordinary and compelling reasons for his release.

It is therefore

ORDERED that Defendant's Motion for Reduction of Sentence (Docket No. 760) is DENIED WITHOUT PREJUDICE.

DATED this 15th day of September, 2020.

BY THE COURT:

  
Ted Stewart  
United States District Judge